

REMARKS

Claims 55, 57-59, 61, 62, 64, 65, and 67-79 are pending and active in the above-identified application. These claims stand rejected as being anticipated or obvious over U.S. Patent No. 5,360,419 to Chen et al. For the following reasons, applicants respectfully traverse this rejection.

Chen et al. describes a fibrous web of cellulosic material that includes a first complex forming material and a second complex forming material present within the web. According to Chen et al., when wetted, the first and second complex forming materials form a complex resulting in the fibrous web having improved integrity. One of the objects of Chen et al., as described at Col. 2, line 4, is to provide a fibrous web that possesses both a high degree of wet and dry structural integrity while maintaining its absorbency and suppleness in both the dry and wet state. Chen et al., at Col. 4, lines 19-32, lists polymeric materials suitable for the first complex forming material. In the next paragraph, at lines 33-46 of Col. 4, polymeric materials useful as the second complex forming material are described. At Col. 4, lines 55 and 56, Chen et al. describes that glycerin, sorbitol, polyethylene glycol and polypropylene glycol are examples of "other materials" that may be included in the fibrous webs which contain the first and second polymeric complexing agents. Chen et al. does not describe any reasons for including these "other materials" or how much of these "other materials" should be included.

Independent Claim 55 recites a method that provides binder-containing cellulose fiber, wherein the binder-containing cellulose fiber comprises 1 to 40% by weight binder based on the weight of the cellulose fiber. Claim 55 recites that the binder includes certain functional binder groups such as a hydroxyl functionality. The Examiner's Action refers to the list of "other suitable materials" at Col. 4, lines 50-57 of Chen et al. for a description of nonpolymeric chemicals having hydroxyl functional groups. As noted above, Chen et al. does not describe

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

applying these types of "other materials" to cellulose fibers in an amount ranging from 1-40 weight percent. On page 4 of the Examiner's Action, first full paragraph, Col. 7, lines 27-35 of Chen et al. are presumably noted as teaching the proportion of the "other materials" present. Applicants respectfully disagree. Col. 7, lines 27-35 of Chen et al. describe the amount of the first and second complex forming agent that is present in the fibrous web; however, the cited passage does not relate to the amount of "other materials" described at Col. 4, lines 50-57 that the Examiner equates with the binders recited in independent Claim 55.

The Examiner's Action at the bottom of page 3 addresses the binder function of the nonpolymeric binder recited in Claim 55 by asserting that the "other materials" described in Col. 4, lines 50-57 would inherently carry out the binding function. As noted above, Chen et al. is silent with respect to the function of the "other materials." Applicants ardently disagree with the conclusion that the "other materials" described in Chen et al. would inherently carry out the binding function. It cannot be said with certainty that the "other materials" such as the glycerin or sorbitol would function as a binder in the context of the teachings of Chen et al. In accordance with Chen et al., in addition to the "other materials," the fibrous web also contains at least the first or second complexing material. At least some of the polymeric materials described as being useful as the first and second complex forming materials include hydrogen bonding functionality. Applicants assert that it cannot be said with any certainty, how the presence of the first or second complexing material might impact any asserted binding function of glycerin or sorbitol. The mere fact that the "other materials" may function as binders in the context of the teachings of Chen et al. is not sufficient to establish that such result is inherent in the teachings of Chen et al. Accordingly, applicants assert that it is not inherently disclosed in Chen et al. that the glycerin or sorbitol would function to bind the particles to the fibers as asserted in the

Examiner's Action. For the foregoing reasons, applicants assert that the subject matter of independent Claim 55 and the claims dependent therefrom is novel over Chen et al.

Turning to the obviousness rejection of Claim 55, and the claims dependent therefrom, as noted above, Chen et al. does not teach or suggest a binder-containing cellulose fiber that includes 1 to 40% by weight based on the weight of the cellulose fiber of the binder recited in Claim 55. Furthermore, Chen et al. does not provide any suggestion as to the amount of the "other materials" such as sorbitol or glycerin that is present in the fibrous web. With respect to the more specific amount of binder recited in Claim 57, the Examiner's Action refers to Col. 7, lines 27-35 for teaching the proportion of binder. As noted above, Col. 7, lines 27-35 describe the amount of the first and second complex forming material that is present in the fibrous webs; however, the cited passage does not suggest the amount that the "other materials" described at Col. 4, lines 50-57 are present in the fibrous webs.

The subject matter of independent Claim 55 and the claims dependent therefrom is also nonobvious over Chen et al. because Chen et al. does not suggest that particles can be bound to cellulose fibers using the "other materials." In fact, Chen et al. at Col. 10, lines 22-47 teaches away from the use of the "other materials" to contain particles in the fibrous web by teaching that particles can be entrapped or encaged within the fibrous webs, that particles can be physically adhered to the fibrous web when the complex forming material is a polymeric thermoplastic material, or particles can be adhered to the fibrous web using a tacky binder. Accordingly, the subject matter of independent Claim 55 and the claims dependent therefrom is nonobvious over Chen et al.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

If the reviewing party has any questions regarding the above, he is invited to call applicants' attorney at the number listed below so that any outstanding issues can be resolved in a timely and efficient manner.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Jeffrey M. Sakoi
Registration No. 32,059
Direct Dial No. 206.695.1713

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

7/13/04

Shannon Hill

JMS:snh

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100